

In the Drawings:

The attached sheet(s) of drawings includes changes to FIG. 1.

Attachment: Replacement sheet

REMARKS

The Examiner has required that a new declaration be submitted in compliance with 37 CFR 1.67(a). Applicants have included herewith the new declaration.

The Examiner has objected to the drawings because new vector p1-9, should contain only 6400 b.p., not 6500b.p., as recited in the drawings. Accompanying this amendment is an amended FIG.1, which correctly recites that vector p1-9 includes 6400 b.p. Accordingly, this objection should be withdrawn.

The Examiner has objected to the specification as containing various spelling errors. The Examiner has also objected to claims 1, 2, 4, 5 and 21 as including various informalities. The specification and claims have been amended to correct these errors.

Claims 5 and 10 stand rejected under 35 USC 112, first paragraph, as not being enabled. Specifically, the Examiner states that the claimed vectors p1-9, p1-9g18, and pGG, “must be readily available or obtainable by a repeatable method set forth in the specification...” Please note that claim 5 has been cancelled, however, the limitations recited in claim 5 have been added to claims 1 and 19. Accordingly, the following remarks now apply to claims 1 and 19. FIGs. 1 and 2 detail the construction schemes for producing these claimed vectors. These construction schemes combined with the description provided in the section labeled “Vector Construction” starting on page 3, line 10, of the specification provide a repeatable method for producing the claimed vectors. Accordingly, this rejection should be withdrawn.

Claim 5 stands rejected under 35 USC 112, second paragraph, because the term “functional” is relative and is not defined in the specification or claim. As described in the specification, the claimed yeast vectors function by expressing nucleic acid sequences in yeast cells. Accordingly, modified vectors that still operate in this capacity would be functional variations or functional modifications of the claimed recited vectors. Claim 1 has been amended to include the

limitations of claim 5 and recite how functionality is determined. Accordingly, this rejection should be withdrawn.

Claims 1, 6, 11, 12, 14, and 16-20, stand rejected under 35 USC 102(b) as being anticipated by Kobayashi. Claims 2 and 7 stand rejected under 35 USC 103(a) as being unpatentable over Kobayashi in view of Fincham. Claims 3 and 8 stand rejected under 35 USC 103(a) as being unpatentable over Kobayashi in view of Mallet. Claims 4 and 9 stand rejected under 35 USC 103(a) as being unpatentable over Kobayashi in view of Fincham and further in view of Mallet. Claim 13 stands rejected under 35 USC 103(a) as being unpatentable over Kobayashi in view of Fujiwara. Claim 15 stands rejected under 35 USC 103(a) as being unpatentable over Kobayashi in view of Fincham. Claim 18 stands rejected under 35 USC 103(a) as being unpatentable over Kobayashi in view of Wai. These rejections are respectfully traversed.

Independent claim 1 has been amended to specify that the yeast vector is selected from the group consisting of p1-9, p1-9g18, pA-4, pGG, and functional variations, combinations and functional modifications thereof, as previously recited in claim 5. None of the cited references disclose this claimed yeast vector. Accordingly, the rejection of claim 1 should be withdrawn. Further, the rejections of claims 2-4, 6-9 and 11-18, which depend from claim 1, should likewise be withdrawn.

The Examiner has objected to claim 21 as being based on a rejected base claim. New claim 22 includes the limitations of claim 21 and is in independent form. Accordingly, this claim should be allowed.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue. If it is determined that a telephone conference would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.

In the event the U.S. Patent and Trademark Office determines that an extension and/or other relief is required, applicants petition for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing docket no. **491332000600**.

Dated: August 14, 2006

Respectfully submitted,

By 

Jonathan Bockman

Registration No.: 45,640

MORRISON & FOERSTER LLP

1650 Tysons Blvd, Suite 300

McLean, Virginia 22102

(703) 760-7769

Attachments

Application No.: 10/687,976

Docket No.: 491332000600

REPLACEMENT SHEET